

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES GOOD SOLDIER,

Defendant.

CR 07-40-GF-BMM

**ORDER**

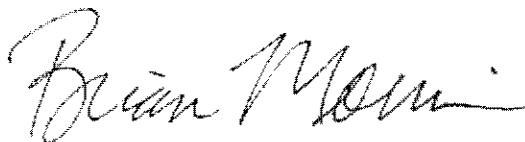
This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on August 18, 2015. Defendant admitted he had violated Standard Condition 2 of his supervised release by failing to report to his probation officer as directed, he had violated Standard Condition 7 of his supervised release by using marijuana and methamphetamine, he had violated Special Condition 1 of his supervised release by failing to report for substance abuse testing, and he had violated Special Condition 2 of his supervised release by failing to report for substance abuse treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 12 months, with no supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Conditions 2 and 7, and Special Conditions 1 and 2. Defendant could be incarcerated for up to 24 months, followed by 24 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of six to 12 months. A sentence of 12 months in custody, with no supervised release is appropriate given that the Defendant has been unwilling to comply with the conditions of supervised release. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 81) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 3rd day of September, 2015.

A handwritten signature in cursive script, reading "Brian Morris".

Brian Morris  
United States District Court Judge